

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED AIR LINES, INC.,
a Delaware Corporation,

Plaintiff,

v.

JOSHUA GREGORY ALLEN, an individual,
a/k/a JOSHUA GREGORY a/k/a ALLEN
GREGORY a/k/a GREGORY JOSHUA a/k/a
JOSHUA ALLEN and OMAR SAFAR
HALABI, an individual, a/k/a OMAR SAFAR,

Defendants.

CIVIL ACTION NO. 09-cv-10394 (NMG)

Leave To File Granted, 8/28/2009

**UNITED AIR LINES, INC.'S REPLY IN SUPPORT OF ITS
MOTION TO FILE OPPOSITION TO MOTION TO DISMISS UNDER SEAL**

Plaintiff United Air Lines, Inc. ("United") respectfully submits this Reply (the "Reply") in Support of Its Motion to File Opposition to Motion to Dismiss Under Seal (the "Motion," Docket Entry #24). This Reply responds to defendant Joshua G. Allen's Memorandum opposing the Motion (Docket Entry #27) filed on August 17, 2009. At Allen's request, United has moved separately for leave to reply to defendant Omar Safar Halabi's opposition to the Motion. See Docket Entry # 28.

Allen claims that the Motion fails to justify United's request for impoundment. He is wrong. The Motion states that United wishes to seal its opposition because it "must discuss details of the Defendants' scheme as they are recounted in the sealed version of the Complaint," and because "members of the public could potentially use these details to replicate the Defendants' scheme and cause financial harm to United." Motion at ¶ 4. While United did not enumerate the details of the Defendants' scheme in the Motion, that is because this Court has

already reviewed those details and already held that “United has a valid concern with respect to protecting its ability to enforce its right against alleged defrauders who would profit from the illegal use of its name, without fear of educating others who would do the same.” Memorandum and Order dated April 24, 2009, at 3. Repeating those details in a public pleading would only bring about the disclosure the Motion is designed to avoid. To the extent that additional support for the Motion is necessary, United incorporates the facts and arguments set forth in its Ex-Parte Motion to File Complaint Under Seal, dated March 13, 2009, and the supporting Affidavit of Antoinette Salvato-Pinto.

Allen also complains that the Motion fails to specify “precisely which portions” of its opposition would cause harm if disclosed. Such specificity would be impossible, as United filed the Motion before drafting its opposition. It did so to comply with LR 7.2(d)’s requirement that motions be filed sufficiently in advance of the date set for filing the material sought to be impounded to allow the Court to consider and rule on the Motion.

If the Court requests, United is willing to file a copy of its opposition that redacts only those sections which describe the Defendants’ scheme.

FOR THESE REASONS, United requests that this Court allow the Motion.

UNITED AIR LINES, INC.

By its attorneys,

/s/ Matthew Iverson

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Dated: August 28, 2009